



**SAN RAFAEL ZONING ADMINISTRATOR
REGULAR HEARING
October 4, 2023**

Minutes and Notice of Decision (Pursuant to San Rafael Municipal Code 14.28.050)

- 10:07 -11:00 am 1. **41 Simms Street** - Request for a Conditional Use Permit for the use of a dog training facility in the General Commercial district.; APN: 018-142-38; General Commercial District (GC); ESR Investment LLC, Owner, and Mary Dormody, Applicant. File No: UP23-020 (PLAN23-093)

Project Planner: Michaela O'Brien

PERMITS REQUIRED

A Conditional Use Permit at the Zoning Administrator level is required for the use of animal care facilities in the General Commercial (GC) zoning district.

SITE DESCRIPTION

The site is a tenant space within Suite C of an existing 8,000 square foot multi-tenant commercial building located on an approximately 1.66-acre General Commercial (GC) zoned parcel in the commercial and industrial area of Southwest San Rafael. The property is located west of US 101, east of I-580 and Francisco Blvd East; more precisely between Simms Street to the north, Anderson Drive to the west and south, and Golden Gate Drive to the east.

The subject building is located on the Northwest of the property, with a total of three access points onto the property and contains 73 parking spaces. The surrounding uses include but are not limited to administrative offices, miscellaneous retail, and furniture repair. The building has a landscaped front with no prior approvals or conditions for landscaping in the records found.

PROJECT DESCRIPTION

The use proposes a dog training facility within suite space C located on the corner of the lot. The currently proposed days of training are Tuesdays and Sundays from 1:00 pm to 6:00 pm, with one-hour sessions and a 15-minute transitioning period between classes. Each one-hour session will be attended by four dogs and their owners.

Outside of the dog training hours the business owner proposes to use the space for educational opportunities without dogs present. This could include small seminars and classes for professionals such as veterinarians and dog owners or handlers. General business activities may also include lessons and curriculum work.

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The space is proposed to be fortified with sound proofing to limit noise pollution to neighboring businesses and the public. There is a proposed outdoor area at the front of the property that's a six-foot-by-six-foot fence standing four feet tall to allow for a controlled space for animal relief. The applicant has proposed that this outdoor area would be cleaned after each training session and waste would be disposed of.

PUBLIC HEARING

On October 4, 2023, a Zoning Administrator meeting was convened for this Conditional Use Permit application (UP23-020). The Acting Zoning Administrator for this meeting, Michaela O'Brien, Assistant Planner, opened the meeting at 10:10 am.

A. Applicant presentation

The applicant presented a summary of the project and the parameters of the project review.

B. Public Comments

There were eleven people in attendance wishing to provide public comment. Below is a summary of the comments provided during the meeting:

Kimberlee Chase (NewGen Surgical)

- The business is adjacent to the proposed space. Business deals with sustainable medical devices to reduce waste of single use material in hospitals concerns with contamination. May lose business due to contaminated products.
- Potential impact on everyday work environment due to risk of barking dogs, waste in outdoor area.
- To have a dog training facility next door would be a PR issue.
- Will not look clean.
- Will detrimentally affect the business.

(Supporter)

- Is there any information from the board or companies that says dog particulars will affect these medical device products?

Kiersen Voycheck (Dog Behavior Consultant)

- There is a big need for this right now, Marin Humane Society is the only place where people can work with dogs and get the support they need. The classes are way booked out.
- Having the opportunity for this education after hours are going to make this a better place.
- If there is a facility that needs a special place for their materials that shouldn't be something that we need to worry about, its something they must worry about as their own business.

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Robert Chase (NewGen Surgical)

- The space has always been filled with professional businesses and there is a concern about sound. Even with a sound barrier you'll be able to hear the dogs barking.
- Going to have four dogs coming and going every hour.
- The outside area will be a place where people are walking through and see it.
- This would be a major deviation from the use that has previously been in that space and the building.

Aiden (NewGen Surgical)

- The other office adjacent to the proposed space has had their dogs occupy that empty space before and it made it very hard to work in the office. The dogs were barking through the wall.

Hyde Perri (Dog Trainer)

- There is a lot of sanitation that goes on in these spaces each session.
- There is a huge difference between training facility and a dog day care when it comes to sound. If there is a dog that consistently is barking during a session the dog will be removed from the session to not disrupt others. At Marin Humane Society when we had dogs barking over the threshold, we would send them home to keep the space as calm and quiet as possible.

Michelle (Professional Dog Trainer and Consultant)

- For a dog to learn it must be in a calm environment. With a class of four dogs its very unlikely going to be a calm environment.
- As far as I can tell anyone can walk around the property and any dog passing by can relieve themselves in front of the property. Mary is offering a more structured environment for this, and by having that specified area would create a controlled area. Especially with their currently being ivy there now there more of a likelihood rats are in there.
- With interior cleanliness being such a concern and having dogs of your own you could be containing material with the clothes worn.

Allyson Nguyen (NewGen Surgical)

- Around the offices there is a lot of construction and industrial work going on and was curious if that's a suitable environment.
- Wondering what you are planning to do with the sign where you are proposing the fence in area?

[Applicant Response]

- For puppies it's essential to have those high intense situations with site, smell, and sound. It creates more stable and less likely to react dogs.
- There will be a six-foot by six-foot four-foot-tall fence with a gate that will be locked during off hours.

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Kimberlee Chase (NewGen Surgical)

- This will affect our business that has been here for 13 years, I didn't think we would need to bring proof from our board or the FDA because I'm not the one asking to make a zone change. It will change how we do business and affect it. Particulates and materials are a huge factor, there are a lot of testing and prototypes that could affect it.

Robert Chase (NewGen Surgical)

- Sound is a big issue.
- The whole building shares the same ventilation system. There was an incidence where one space had fumes and we could even work. Whatever goes on in any of the spaces you will smell it.

Kiersen Voycheck (Dog Behavior Consultant)

- This is such a small amount of time, being two days a week in the evenings, one of them being Sundays.

Kimberlee Chase (NewGen Surgical)

- We do work sometime during Sunday evenings for clients in Asia.
- We tried to brainstorm ways on how to make this work, but it will affect the way we do business.

C. ZA discussion

The Applicant summarized and addressed the concerns that have been disclosed by those in attendance.

The Zoning Administrator did not make a decision on the Conditional Use Permit at this time.

The meeting was adjourned at 11:00 am. A second hearing was scheduled for 7:00 pm the same day.



10/12/2023

Michaela O'Brien, Acting Zoning Administrator

Date



**SAN RAFAEL ZONING ADMINISTRATOR
REGULAR HEARING
October 4, 2023**

Minutes and Notice of Decision (Pursuant to San Rafael Municipal Code 14.28.050)

- 7:00 -8:30 pm 1. **41 Simms Street** - Request for a Conditional Use Permit for the use of a dog training facility in the General Commercial district.; APN: 018-142-38; General Commercial District (GC); ESR Investment LLC, Owner, and Mary Dormody, Applicant; File No: UP23-020 (PLAN23-093)

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PROJECT DESCRIPTION

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Outside of the dog training hours the business owner proposes to use the space as an educational opportunity without dogs present. This could include small seminars and classes for professionals such as veterinarians and dog owners or handlers. Along with other business activities will include lessons and curriculum work.

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The space is proposed to be fortified with sound proofing to limit noise pollution to neighboring businesses and the public. There is a proposed outdoor area at the front of the property that's a six foot by six-foot fence standing four feet tall to allow for a controlled space for the animals to relieve themselves. This outdoor area would be cleaned after each training session and waste would be disposed of.

PUBLIC HEARING

On October 4, 2023, a Zoning Administrator meeting was convened for this Conditional Use Permit application (UP23-020). The Acting Zoning Administrator for this meeting, Michaela O'Brien, Assistant Planner, opened the meeting at 7:02 pm.

A. Applicant presentation

The applicant presented a summary of the project and the parameters of the project review.

B. Public Comments

There were twenty-three people in attendance wishing to provide public comment. Below is a summary of the comments provided during the meeting:

David Stompe (Insurance agent)

- *As an insurance agent the most common homeowner's liability claim is dog bite. People will get dogs and not know how to train and lead to aggressive dogs.*

Hyde Perri (Dog Trainer)

- *The dog training industry is very unregulated, there are so many abusive ways of training a dog. Having a professional dog trainer that is certified is highly needed in this industry.*

Mrs. Dormody (Marin County Employee)

- *The Marin Humane Society is a great place, but I know firsthand they are heavily taxed and under staff. Having this opportunity for another resource to teach these dogs is very needed.*

Volunteer for Marin Humane

- *Classes we hold at the Marin Humane Society usually have six dogs at a time for our classes and here Mary is proposing having four at a time. She will make sure that no dog will be disruptive during class and cause a lot of noise and at the same time she has noise cancelling material proposed to be installed. We need more positive reinforcement trainers and we do refer dogs and their handlers to outside agencies such as hers. This will be a very safe environment for her clients, dogs, and neighbors.*

Michelle (Professional Dog Trainer and Consultant)

- *Wanted to revisit a few concerns the neighboring unit had. One being is that the dogs have potential of contaminating their material and the dogs would give the wrong impression to those coming to the business. The property is between two*

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major freeways that produce air pollution daily and is less than two minutes from the Sanitation. The products are said to be moved from two offices outside and being exposed to those particulates. If the particulate is a concern and changing the way the practice is done, then the way it's done should be change already.

Brad Stompe

- *Mary has demonstrated there is a large need for this in the County. There is a huge pushback for beaches not allowing dogs due to ill training practices in Marin.*

Kirsten Wojcik (Dog Trainer)

- *This is a great business and very much a need there will be people coming from all around the Bay Area to use this service and bring more business to this area.*
- *I contacted an environmental lawyer and asked about dog particulates and the amount they give off is almost none. The top five come from construction, freeways, landfills, and various chemicals from cleaning products and off gases. There is nothing being produced at the site yet there is talk about dogs contaminating the air.*

Emma Clifford (Dog Trainer)

- *From teaching classes in Marin for many years the noise isn't really an issue. Very rarely do the dogs make noise and I'm sure Mary has the procedure in place.*
- *Since covid hit there has been a huge increase in dog ownership and to have this safe space to train and create well behaving dogs is needed.*

Travis Fenech

- *I fully trust Mary to create and have this business through my experience and interaction with her.*

Cheri

- *When Mary meets dogs, she knows professionally when a dog needs a one on one. The dogs that will be there will be assessed and made sure they are prepared for there.*

Kimberlee Luedee-Chase (New Gen Business)

- *We have been the tenants there for 13 years and this is about the impact that it will have on our business.*
- *When looking at the front of the business right next to our building's signage will be the outdoor bathroom area.*
- *Four dogs per hour which means there will be twenty dogs a day. When make prototypes at our office and put together sample packs for health care and move them between our two offices.*
- *If this is approved, then I would hope that there would be a clause for dogs only to be there Tuesdays and Sundays.*

Amber

- *Not sure of what the concern is where there is an incompatibility between the businesses. I understand there are some kinks to be worked out for these businesses to coexist.*
- *This is a great location with the freeway and the train nearby for more people to come and support the business.*

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Robert Chase (NewGen Surgical)

- *Sound is a big concern since the walls are so thin.*
- *Where the dog bathroom area is proposed will be right up against the signage of the building which would be a terrible idea.*
- *The kind of environment of this building is limited space and the ventilation system is all connected and what's happening in one suite you can smell in the next.*

Patrick Crossan

- *These concerns brought to by the neighboring business seem to be being addressed by Mary whether it be with orders. Mary has a clean plan for that, it's not going to smell.*
- *One of the businesses in that building is upholstery, I'm sure they use chemicals that create fumes.*
- *Mary is proposing to conduct business on Tuesdays and Sundays only.*

Jean Mansen (Client of Mary's)

- *It sounds like the landlord has allowed this business to commence there but one of the tenants are objecting this decision.*
- *To speak about the relief area, Mary is providing a controlled area for these insistences.*
- *When it comes to the particulates in the air and the fumes of cleaning products, dogs cannot ingest much so these produces must be safe and organic.*
- *There is a concern for neighboring clients passing by these dogs who are coming in and out. There are a lot of therapy dogs in hospitals that are around medical equipment.*

Michael Stompe (Mary's Brother)

- *I would rather have the proposed outdoor area where its controlled environment.*
- *Personally have experience aggressive dogs in Marin and this is a community safety risk for uneducated dog owners. If we can address this by having another opportunity for those to have a safe space to train their dogs so this doesn't happen.*
- *When I go somewhere I don't notice the other stores or offices adjacent to each other. Most people don't have time to go around the parameter and look at other businesses.*

Daniel (Director of Operation for a Business)

- *There is a difference between personal preference and what can really go in that space. Issues such as air flow or noise inside the building is something to take up with the landlord.*

Susan Stompe

- *This is not a good place if one is so worried about particulate matter.*
- *If there are issues with noise or smell, Mary will act upon it.*

Kimberlee Luedee-Chase (New Gen Business)

- *We are a viable medical device company who are trying to support those across the country. It will create a bad look for our company.*

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C. ZA discussion

The Applicant summarized and addressed the concerns that have been disclosed by those in attendance.

The Zoning Administrator did not decide at this time.

The meeting was adjourned at 8:30 am.



10/12/2023

Michaela O'Brien, Acting Zoning Administrator

Date